

Substitute House Bill No. 5735

House of Representatives, April 7, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE STATEMENT OF A CRIME VICTIM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 54-91c of the general statutes is
2 repealed and the following is substituted in lieu
3 thereof:

4 (a) For the purposes of this section,
5 "victim" means a person who is a victim of a class
6 A, B or C felony or a violation of section 53a-72a
7 or 53a-72b, the legal representative of such
8 person or a member of a deceased victim's
9 immediate family.

10 (b) Prior to the imposition of sentence upon
11 any defendant who has been found guilty of a class
12 A, B or C felony or a violation of section 53a-72a
13 or 53a-72b or has pleaded guilty or nolo
14 contendere to any class A, B or C felony or a
15 violation of section 53a-72a or 53a-72b and prior
16 to the acceptance by the court of a plea of guilty
17 or nolo contendere made pursuant to a plea
18 agreement with the state wherein the defendant
19 pleads to a lesser offense than the offense with
20 which he was originally charged, the court shall
21 permit the victim of the crime to appear before
22 the court for the purpose of making a statement
23 for the record. In lieu of such appearance, the

24 victim may submit a written statement OR, IF THE
25 VICTIM OF THE CRIME IS DECEASED, THE LEGAL
26 REPRESENTATIVE OR A MEMBER OF THE IMMEDIATE FAMILY
27 OF SUCH CRIME VICTIM MAY SUBMIT A STATEMENT OF
28 SUCH DECEASED CRIME VICTIM to the state's
29 attorney, assistant state's attorney or deputy
30 assistant state's attorney in charge of the case.
31 Such state's attorney, assistant state's attorney
32 or deputy assistant state's attorney shall file
33 the statement with the sentencing court and the
34 statement shall be made a part of the record at
35 the sentencing hearing. Any such statement,
36 whether oral or written, shall relate [solely] to
37 the facts of the case, THE APPROPRIATENESS OF ANY
38 PENALTY and the extent of any injuries, financial
39 losses and loss of earnings directly resulting
40 from the crime for which the defendant is being
41 sentenced. After consideration of any such
42 statements, the court may refuse to accept, where
43 appropriate, a negotiated plea or sentence, and
44 the court shall give the defendant an opportunity
45 to enter a new plea and to elect trial by jury or
46 by the court.

47 (c) Prior to the imposition of sentence upon
48 such defendant and prior to the acceptance of a
49 plea pursuant to a plea agreement, the state's
50 attorney, assistant state's attorney or deputy
51 assistant state's attorney in charge of the case
52 shall advise the victim of such crime of the date,
53 time and place of the original sentencing hearing
54 or any judicial proceeding concerning the
55 acceptance of a plea pursuant to a plea agreement,
56 provided the victim has informed such state's
57 attorney, assistant state's attorney or deputy
58 assistant state's attorney that he or she wishes
59 to make or submit a statement as provided in
60 subsection (b) of this section and has complied
61 with a request from such state's attorney,
62 assistant state's attorney or deputy assistant
63 state's attorney to submit a stamped,
64 self-addressed postcard for the purpose of such
65 notification.

66 (d) The provisions of this section shall not
67 apply to any proceedings held in accordance with
68 section 46b-121 or section 54-76h.

69 STATEMENT OF LEGISLATIVE COMMISSIONERS: In

70 subsection (b) the punctuation was changed for
71 clarity.

72 JUD COMMITTEE VOTE: YEA 39 NAY 0 JF

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER sHB 5735

STATE IMPACT	None
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Judicial Department, Division of Criminal Justice

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OLR BILL ANALYSIS

sHB 5735

AN ACT CONCERNING THE STATEMENT OF A CRIME VICTIM

SUMMARY: This bill allows the legal representative or immediate family of a deceased victim of a class A, B, or C felony; third-degree sexual assault; or third-degree sexual assault with a firearm to submit a statement written by the victim before the offender is sentenced. It allows a victim's statement to address the appropriateness of any penalty. Under current law, the victim's statement can address only the facts of the case and the extent of any injuries, financial loss, and lost earnings directly resulting from the crime.

EFFECTIVE DATE: October 1, 1998

BACKGROUND**Crime Victim Statements**

By law, courts must allow victims of these offenses to make a statement before imposing sentence. The victims'

right to make a statement applies even if the defendant is charged with a lesser offense than that originally charged because of a plea agreement. The victim can submit a written statement to the prosecuting attorney in charge of the case in lieu of making a personal statement. The prosecuting attorney must file it with the sentencing court and it must become a part of the record.

Victim

"Victim" includes the legal representative of a crime victim and a deceased crime victim's immediate family.

Class A, B, and C Felonies

Class A felonies include felony-murder, first-degree kidnapping, and employing a minor in an obscene performance. Class B felonies include first-degree manslaughter, first-degree assault, sexual assault, and robbery. Class C felonies include second-degree manslaughter, sexual assault, burglary, larceny, and robbery.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 39 Nay 0